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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,108	07/31/2003	Richard M. Mathis	4ACE-01000US0	7759
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FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER LANEAU, RONALD	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 11/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,108

Applicant(s)

MATHIS, RICHARD M.

Examiner

Ronald Laneau

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-23, 25, 26 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-18, 20-23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2002/0115487 A1).

As per claims 14-18, Wells disclose a progressive gaming system comprising: a first gaming device having an input device, a display and a controller, wherein the first gaming device is configured to receive a wager from a first player to play a progressive type game (see fig. 1, 22); and a second gaming device having an input device, a display and a controller, the second gaming device being communicably coupled to the first gaming device, wherein the second gaming device is configured to receive a wager from a second player to play the progressive type game (see fig. 1, 22), wherein the first and second gaming devices exchange (through a network seen in fig. 1), with each other, information associated with the amount of wagers placed by the first and the second player on each respective gaming device by exchanging an electronic data packet of a predetermined format (see fig. 1), in order to determine the total jackpot amount to be won, wherein determination of whether the first player has won, and the total jackpot amount to

be paid to the first player is performed by the controller of the first gaming device (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming machine), and wherein determination of whether the second player has won and the total jackpot amount to be paid to the second player, is performed independently of the first gaming device, by the controller of the second gaming device (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming machine).

Wells does not explicitly disclose a system wherein determination of whether the first player has won, and the total jackpot amount to be paid to the first player is performed by the controller of the first gaming device, and wherein determination of whether the second player has won and the total jackpot amount to be paid to the second player, is performed independently of the first gaming device, by the controller of the second gaming device. Wells discloses a system wherein gaming devices are connected through a network and are very capable of exchanging information/data with each other thus determining the player who wins and the jackpot amount to be paid as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize upgrade the software program as taught by Wells to have individual gaming devices exchanging information about the wagers and determining the winning player and the total amount instead of a gateway because it would eliminate the need for a communication transfer between the gateway and the gaming device therefore shorten the amount of time that the player has to wait to determine winning amount.

As per claims 15-17 and 25, The system of Wells is inherently capable of comprising a first and a second precise time base, each configured to measure time of occurrence of events on

the first and second gaming devices, respectively, with a resolution of picoseconds or a resolution of 10^{-15} ; wherein the first gaming device is capable of initiating a secondary bonus game independent of the second gaming device and the second gaming device is capable of initiating a secondary bonus game independent of the first gaming device; and wherein the first gaming device and the second gaming device communicate on a peer-to-peer basis as claimed (all gaming machines provide time measurement, bonus game and peer-to-peer communication).

As per claims 20 and 21, Wells inherently discloses a method further comprising: upon determining that the first player has won, awarding a portion of the jackpot indicia to the first player; resetting all of the gaming devices; and awarding a remainder of the jackpot indicia to the first player pay when all gaming devices are confirmed as being reset; further comprising awarding a portion of the remainder of the jackpot indicia as the gaming devices are being reset but not yet confirmed as reset (most of the gaming machines pay a portion of the award after winning and pay the rest of the award after all machines have been reset).

As per claim 22, Wells discloses a system wherein the secondary game initiated by the first gaming device has no dependency upon an outcome of the progressive type game (see fig. 1).

As per claim 23, Well discloses a system of claim 16 further comprising a first secondary game device communicably coupled to the first gaming device for initiating the secondary bonus game, wherein the first secondary game device further comprises a display device, a random number generator, and a unit for calculating a value to determine a game outcome based upon use of generated values of said random number generator in a predetermined formula (see fig. 1).

As per claim 26, Wells discloses a method further comprising exchanging, between the first and second gaming devices, a total amount available for pay to the first and the second player, prior to determining the total jackpot amount to be paid according to predetermined parameters (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming machine according to parameters as claimed).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2002/0115487 A1) in view of Lockton (US 5,083,800).

As per claim 19, Wells does not disclose broadcasting and updating but Lockton discloses a method comprising: broadcasting a parameter block of the predetermined format to all gaming when conditions change at any gaming device, updating said parameter block according to the change in condition at said gaming device; and broadcasting an updated parameter block from the gaming device to other gaming devices communicably coupled thereto to update operational parameters at each gaming device based upon the updated parameter block received (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the broadcasting and updating means as taught by Lockton into the method of Wells because it would provide an improved game of skill or chance playable by simultaneously by several by several participants remote from each other.

Allowable Subject Matter

5. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references, either singularly or in combination, discloses or even suggests:

As per claim 24, The system of claim 16 further comprising: a unit for choosing a random number in accordance with a predetermined selection process and mapping said random number to a symbol in accordance with a predetermined mapping process if the number of game plays of maximum bet in a play sequence is less than a predetermined maximum; and a display device for displaying a generic icon as a placeholder to allow progress of the secondary bonus game to be ascertained.

Response to Arguments

6. Applicant's arguments with respect to claims 14-26 have been considered but are moot in view of the new ground(s) of rejection.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ronald Laneau
Primary Examiner
Art Unit 3714

11/17/07

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